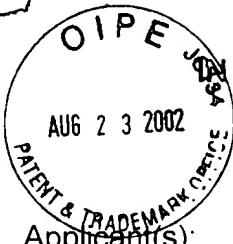


08-26-01

1645

BOX-5EQ



THE UNITED STATES PATENT AND TRADEMARK OFFICE
Pat nt Examining Operations

TECH CENTER 1600/2900

AUG 30 2002

RECEIVED

#11
Plunkett
9/3/02

Applicant(s): Stephen K. Horrigan
Serial No: 09/964,824 Art Unit: 1645
Filed: 27 September 2001 Examiner: Unassigned
Title: CANCER GENE DETERMINATION AND THERAPEUTIC
SCREENING USING SIGNATURE GENE SETS
Docket No: 689290-73

BOX SEQUENCE
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Prior Art Statement

Sir:

In addition to the enclosed Information Disclosure Statement and List of References (Form 1449), Applicant notes for the record that the claims of the above-referenced patent application relate to novel uses of the recited genes, gene sequences and expression products in assays for chemotherapeutic agents as well as in the diagnosis of cancer and the presence of cancer-related genes and proteins in cells and tissues. The nucleotide sequences themselves were not claimed.

In an effort to assist the Examiner, Applicant encloses herewith on diskette copies of the gene sequences and their corresponding GenBank Accession Numbers as first disclosed in the provisional applications relied on for priority in the present application.

These are as follows:

1. Filename = Thyroid-1.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/236,033 (filed 28 September 2000). There are 105 sequences contained in this listing (corresponding to SEQ ID NO: 1-105, respectively, of the application), which represent genes or gene sequences expressed in thyroid papillary carcinoma that are not found in normal thyroid tissue.

2. Filename = Thyroid-2.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/236,032 (filed 28 September 2000). There are 194 sequences contained in this listing (corresponding to SEQ ID NO: 106-299, respectively, of the application), which represent genes or gene sequences expressed in normal thyroid cells that are not expressed in thyroid papillary carcinoma.

3. Filename = Thyroid-3.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/236,028 (filed 28 September 2000). There are 284 sequences contained in this listing (corresponding to SEQ ID NO: 300-583, respectively, of the application), which represent genes or gene sequences that are expressed at a level at least about a 5 fold higher level in thyroid papillary carcinoma relative to normal thyroid cells.

All files are in text code (ASCII files) to facilitate searching and are contained on a the accompanying diskette.

It should be noted that most of the references cited in the accompanying Form 1449 and IDS (except for references G1, H1 and M1) were published after the Applicants' claimed priority date and are thus not considered by Applicants as representing prior art but are submitted to illustrate the efforts currently being made in this field.

The Commissioner is authorized to charge payment of any fees required under 37 CFR 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.


EXPRESS MAIL CERTIFICATE

Express Mail Label No. EU556036282US

Deposit Date: 23 August 2002

I hereby certify that this paper and the attachments hereto are being deposited today with the U.S. Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above addressed to:

**U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202**


Alan J. Grant, Esq. 8/23/02
Date

Respectfully submitted,



Alan J. Grant, Esq.
Reg. No. 33,389
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
6 Becker Farm Road
Roseland, NJ 07068
Tel. No.: (973) 994-1700